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File

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/002,485 12/31/97 LAL

P PF-0459US

HM12/0725

LEGAL DEPARTMENT
INCYTE GENOMICS, INC.
3160 PORTER DRIVE
PALO ALTO CA 94304

EXAMINER

SAOUD, C

ART UNIT	PAPER NUMBER
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1647

20

DATE MAILED:

07/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Notification of Non-Compliance with
37 CFR 1.192(c)**

Application No.
09/002,485

Applicant(s)

LAL et al.

Examiner

Christine Saoud

Art Unit

1647



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The Appeal Brief filed on May 17, 2001 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three TIME PERIODS: (1) ONE MONTH or THIRTY DAYS from the mailing date of this Notification, whichever is longer; (2) TWO MONTHS from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

The Brief fails to point to page and line number for support of the Summary of the Invention. Further, the Summary which is presented in the Brief does not appear to be supported by the specification as originally filed as it refers to BLAST analysis and journal references which are not cited in the specification. The Summary of the Invention should be limited to that which is supported by the specification as originally filed.

Additionally, Appellant only submitted the Brief in duplicate (note transmittal fee sheet). Appellant is required to submit the corrected Brief in triplicate (see above). It is not the responsibility of the PTO to make copies of Appellant's Brief.

**CHRISTINE J. SAOUD
PRIMARY EXAMINER**

Christine J. Saoud